

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Pierre School District
Accountability Review - Monitoring Report 2011-2012**

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Dates of On Site Visit: January 23-25, 2012

Date of Report: February 9, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:24:01. Referral. Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other sources of referrals include the following:

- (1) Referral through screening; (2) Referral by classroom teacher; (3) Referral by other district personnel; (4) Referral by other public or private agencies; and (5) Referral by private schools, including religious schools.

Corrective Action:**Prong 1: Correct each individual case of noncompliance**

Referrals are being made during preschool screening. As a result, the referrals are not put in writing for an administrator's approval.

Student:	Required Action:	Data To Be Submitted:
Referral documentation with administrator approval was not found in student files 9, 10, and 13 . Interviews with teachers indicated this was not done when a child came to their attention during preschool screening.	The district must develop procedures to ensure all referrals are documented and brought to the attention of a school district administrator	The district must submit procedures to ensure all referrals are documented and brought to the attention of a school district administrator.

Timeline for Completion: April 15, 2012

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:15.01. IEPs for student transfers within state. If a student with a disability, who had an IEP that was in effect in a previous school district in the state, transfers to a new school district in the state, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide FAPE to the student, including services comparable to those described in the student's IEP from the previous school district, until the new school district either:

- (1) Adopts the student's IEP from the previous school district; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in this chapter.

ARSD 24:05:27:15.02. IEPs for student transfers from another state. If a student with a disability, who had an IEP that was in effect in a previous school district in another state, transfers to a school district in South Dakota, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide the child with FAPE, including services comparable to those described in the student's IEP from the previous school district, until the new school district:

- (1) Conducts an evaluation pursuant to chapter 24:05:25, if determined to be necessary by the new school district; and
- (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in this chapter.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Policies were not followed for student transfers within state and from another state for students with disabilities, who had an IEP in effect in a previous school district in the state, or from another state.

Student	Required Action:	Data To Be Submitted:
Documentation was not found in student files 7 and 8 to support transfer policies and procedures were followed by the district. Staff interviews indicated the district accepted the evaluation and IEP for students 7 and 8, who transferred to the Pierre district. However, the file does not contain documentation such as a prior notice and eligibility information to support procedures were followed.	For students 7 and 8, the district must review the student's existing data to determine: <ul style="list-style-type: none">• what evaluations are needed and what can be pulled forward to determine SD eligibility• send prior notice to obtain consent to pull forward and/or conduct evaluations• Complete evaluations if necessary• Send prior notice for eligibility & IEP meeting• Conduct eligibility meeting and develop an IEP if appropriate.	For students 7 and 8, the district will submit the following documentation: <ul style="list-style-type: none">• Prior notice for consent• Evaluation report(s) used for eligibility• Prior notice for meeting• Eligibility document and, if appropriate, a copy of the IEP

Timeline for Completion: April 15, 2012

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:22:03. Certified child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

ARSD 24:05:25:01. Evaluation, consent, eligibility, and placement procedures required. Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Evaluation data to support eligibility category and/or services provided was not consistently available in the student record.

Student:	Required Action:	Data To Be Submitted:
Student File #5: This student was reevaluated in October of 2011. In December of 2011, the student was found eligible in the category of Other Health Impairment due to Attention Deficit Disorder. However, documentation to support the diagnosis of Attention Deficit Disorder was not found in the file.	Student File #5: 1) Initiate a review of existing data 2) Determine the student's potential category(s) of disability 3) Initiate prior notice/consent if additional evaluations are needed 4) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category 5) Complete the MDT/Eligibility document 6) Amend the IEP if appropriate.	Student File #5: Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.
Student File #27: This student was reported on child count under the category Vision Loss. There was no evidence of adaptive behavior found in the student file, which is required to determine eligibility under this disability.	Student File #27: 1) Initiate a review of existing data 2) Determine the student's potential category(s) of disability 3) Initiate prior notice/consent if additional evaluations are needed 4) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category	Student File #27: Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.

	5) Complete the MDT/Eligibility document 6) Amend the IEP if appropriate.	
Student File #7: This student was reported on child count under the category Autism. There was no evidence of academic achievement, skill-based, ability, adaptive behavior, behavior and autism-specific information found in the student file, which is required to determine eligibility under this disability.	Student File #7: Refer above to General Supervision #2 for required action for this student.	Student File #7: Refer above to General Supervision #2 for data to be submitted for this student.
Student File #8: This student was reported on child count under the category Autism. There was no evidence of academic achievement found in the student file, which is required to determine eligibility under this disability.	Student File #8: Refer above to General Supervision #2 for required action for this student.	Student File #8: Refer above to General Supervision #2 for data to be submitted for this student
Timeline for Completion: April 15, 2012		

4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.01. IEP team. Each school district shall ensure that the IEP team for each student with disabilities includes the following members:

(1) The parents of the student; (2) Not less than one regular education teacher of the student if the student is, or may be, participating in the regular education environment; (3) Not less than one special education teacher of the student or, if appropriate, at least one special education provider of the student; (4) A representative of the school district who: (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; (b) Is knowledgeable about the general education curriculum; and (c) Is knowledgeable about the availability of resources of the school district;

ARSD 24:05:27:01.03. Content of individualized education program (IEP). Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including: (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to: (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and (b) Meet each of the student's other educational needs that result from the student's disability;

(3) A statement of the special education and related services that will be provided to enable the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities;

§300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each the various services to be provided must be appropriate to the specific service and clearly state in the IEP in a manner that can be understood by all involved into the development and implementation the IEP.

ARSD 24:05:27:13.02. and Indicator 13 - Transition services. Transition services are a coordinated set of activities for a student with a disability, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to postschool activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Student program was not developed to provide educational benefit. Documentation in the students' files did not consistently adhere to Individual Education Program procedures.

Student:	Required Action:	Data To Be Submitted:
<p>Student File #14: This student was reported on child count under the category Hearing Loss. Special education service was not address in the student's individual education program (IEP). The student was only receiving related services from a speech therapist. In addition, the student's present levels of academic achievement and functional performance did not include skill-based strengths, weaknesses, and how the student's disability affects his/her involvement in the general education curriculum.</p>	<p>Student File #14: IEP team must meet to determine if the student's disability is accurately documented. If the team agrees the disability is correct, the IEP team must amend the student's program to address special education services. The IEP team must also address student's present levels of academic achievement and functional performance to include skill-based strengths, weaknesses, and the how the student's disability affects his/her involvement in the general education curriculum</p>	<p>Student File #14: Submit copies of all documentation supporting the IEP team's decision and amendments.</p>

Documentation in student files #6, 10 and 14 did not support appropriate IEP membership. In addition, student IEP cover pages indicated the Superintendent or designee was not in attendance at one middle school, two high school, and fifteen elementary IEP meetings.	The district must develop procedures to ensure appropriate membership is at all IEP meetings.	The district must submit procedures to ensure appropriate membership is at all IEP meetings.
Student File #19: Although skill-based assessment was completed to include specific academic strengths and weaknesses, it was not included in the student's academic present levels of academic achievement and functional performance.	Student File #19: The IEP team must address student's present levels of academic achievement and functional performance, to include skill-based strengths and weaknesses based on the skill-based assessment.	Student File #19: Submit copies of all documentation supporting the IEP team's amendment(s).
Student File #1, 6, 7, 8, 9, 10, 17 and 28: The IEP written for these students did not address the student's special education specialized instruction.	Student File #1, 6, 7, 8, 9, 10, 17 and 28: The IEP team must address student's special education specialized instruction	Student File #1, 6, 7, 8, 9, 10, 17 and 28: Submit copies of all documentation supporting the IEP team's amendment(s).
Student File #15 and 22: The student's course of study does not align with his/her post school goals, nor do the transitional services assist the student to meet these goals.	Student File #15 and 22: IEP team must meet to address transition services to align course of study with his/her post school goals and/or determine what transitional services will assist the student to meet these goals.	Student File # 15 and 22: Submit copies of all documentation supporting the IEP team's decision and amendments
Student File #15, 21 and 22: There was no evidence in the student files to support consent from the parent or student of age was received to invite an outside agency to the student's IEP meeting.	The district must develop procedures to ensure consent is received prior to inviting an outside agency to the student's IEP meeting.	The district must submit procedures to ensure consent is received prior to inviting an outside agency to the student's IEP meeting.
Timeline for Completion: April 15, 2012		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.	
Required Action: The district will receive technical assistance regarding the issues noted above. The training date, provider, and participants will be documented and submitted to the team leader in support of verifying correction through updated data.	Data To Be Submitted: (list of specific staff who need to submit data will be given to Special Education Director) Special education teachers, early childhood teacher, and speech pathologist will submit for <u>one student who has been initially evaluated or reevaluated</u> (completed since the on-site review date) a copy of the following: <ol style="list-style-type: none"> 1. Referral document (if applicable) 2. The prior notice/consent for evaluation 3. Copies of <u>all</u> the evaluation reports including skill-based assessment and transition 4. Copy of the prior notice for the eligibility/IEP meeting, 5. Copy of the MDT/eligibility document and; 6. Copy of the IEP
Target Date for Completion: November 15, 2012	
All non-compliance must be corrected within 1 year of this report date.	
Date: Status Report:	

State Performance Plan – Performance Indicators

Indicator 2: Dropout Rate: Percent of youth with IEPs dropping out of high school.

District Rate: 1.32%

District Policy, Procedure and Practice:

The district considers all alternatives to keep all students in school to the point that we are “customizing” programs for some students. In one instance the district sends staff to a home; the school day is modified for another, and has implemented an alternative program. The district has made changes in the “Tech Ed” area based on student input. All the changes made and programs implemented are for all students, not just those on an Individual Education Program (IEP).

Indicator 3 – Participation/Performance on Assessment

C-Proficiency rate for children with IEP’s against grade level standards and alternate achievement standards.

District Rate Reading: Grades K-8 - 30.25%, 9-12 -28.57%; Math: Grades K-8 – 36.13%, 9-12 -14.29%

District Policy, Procedure and Practice:

The Pierre School District will continue to address Indicator 3 for grades 3-8 and 11 in the areas of reading and math. The district’s disabilities sub group has shown some nice gains since the 2009-2010 data was collected. The district continues to focus on reading and math at grades 3-5 with continuous progress monitoring and the modification of instruction based on that individual student data. The district added special reading interventions at grades 6-8 and piloted a math intervention to the summer school program. The district believes all interventions put in place during the 2010-2011 school year to be effective for indicator 3. Pierre School district will continue to provide staff development activities during the 2011-2012 school year including staff participation at the Super Conference in October, which will focus on reading intervention and at risk learners. A data retreat was completed at the district’s first early release day on September 21, 2011. In addition the district hosted a Read 180 and Systems 44 presentation at the middle school/secondary principal meeting on December 14, 2011. The district also sent teams to Yankton on December 8, 2011 to observe these curriculums.